

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
COMPLIANCE RECORD FOR CATEGORICAL EXCLUSIONS (CX)
U.S. Department of Interior
Bureau of Land Management**

PART I. – PROPOSED ACTION

BLM Office: Hassayampa Field Office

DOI-BLM-
NEPA No.: AZ-P010-2014-0018-CX
Case File No.: AZA-13912

Proposed Action Title/Type: Telephone/Telegraph Line Renewal and Amendment

Applicant: Qwest Corporation

Location of Proposed Action: See Attachment 1

Description of Proposed Action: The Qwest Corporation has filed an application to amend and renew their telephone/telegraph line (AZA-13912). With regards to the amendment, the holder requests permission to include existing Qwest right-of-way AZAR-18941 into this authorization. Although these telephone/telegraph lines are already connected, they are being managed under two different authorizations.

The Bureau of Land Management (BLM) first issued right-of-way grant AZAR-18941 on January 14, 1959, for a term of 50-years, under the Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961) and the regulations contained in 43 C.F.R. Part 244. The sum of authorization AZAR-18941 is 1.7 acres, more or less. This right-of-way expired on January 13, 2009 and if combined with AZA-13912, it will be relinquished by Qwest.

The BLM first issued right-of-way grant AZA-13912 on July 14, 1982, for a term of 30-years, under the authority of Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) and the regulations contained in 43 C.F.R. Part 2800. The sum of authorization AZA-13912 is 20.149 acres, more or less. This right-of-way expired on June 10, 2011. If renewed, the effective date will be June 11, 2011.

The location of the site is in both Yavapai and Maricopa Counties.

An environmental analysis (EA) was prepared in 1981 (EA AZ-020-1-222) for AZA-13912. With regards to AZAR-18941, this authorization predates the National Environmental Policy Act of 1969, therefore only a Status Sheet was prepared. The Status Sheet is dated June 25, 1958. Primary regulations and policy pertaining to issuance of right-of-way authorizations by the BLM are found in Title 43, C.F.R., Sections 2801-2803 and BLM Handbook 2860-1.

The holder continues to be in compliance with the BLM right-of-way grants. If authorized, right-of-way AZA-13912 would be issued for an additional 30 years with the right to renew.

Part II. – PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan(s):
Bradshaw Harquahala Resource Management Plan

Decisions and page nos.:

This action has been reviewed for conformance, with the Bradshaw-Harquahala Resource Management Plan (RMP) as amended, with respect to the Code of Federal Regulations (CFR) (43 CFR 1610.5) and BLM Manual 1601.04 C.2. It has been determined that the proposed action does comply with the objectives, terms, and conditions of the RMP. Specifically, this type of action is provided for in Lands and Realty Management, Land Use Authorizations LR-24 which states,

“Continue to issue land use authorizations (right-of-way, leases, permits, easements) on a case-by-case basis and in accordance with resource management prescriptions in this land use plan.”

Date plan approved/amended:
April 2010, as amended.

This proposed action has been reviewed for conformance with these plans (*43 CFR 1610.5-3, BLM Manual 1601.04.C.2*).

PART III. – NEPA COMPLIANCE DETERMINATION REVIEW

A. The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 or 516 DM Chapter 2, Appendix 1.

The Departmental Manual [516 DM 2.3 (A)(3) and 516 DM, Appendix 2] requires that before any action described in the list of categorical exclusions is used, the exceptions (located in Part IV) must be reviewed for applicability and, in each case, must result in no extraordinary circumstances.

In this case, the use of a categorical exclusion is appropriate because there are no extraordinary circumstances which may have significant effects on the environment. Considerations of all aspects of this document were taken and no potential for significant impacts were found. In other words, the proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM Chapter 2 or 516 DM 11.5 apply.

Justification for the use of a CX, for the renewal portion of this action, resides in 516 DM Chapter 6 Appendix 5 Section 5.4 (E)(9) as well as BLM NEPA Handbook (H-1790-1) Appendix 4, (E)(9) which states,

“Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.”

Last, support for a CX can be found in BLM NEPA Handbook (H-1790-1) Appendix 4 BLM Categorical Exclusions (E)(11) which states,

"Conversion of existing right-of-way grants to Title V grants or existing leases to FLPMA Section 302(b) leases where no new facilities or other changes are needed";

And

B. Extraordinary Circumstances Review: In accordance with 43 CFR 46.215, any action that is normally categorically excluded must be subjected to sufficient environmental review to determine if it meets any of the 12 Extraordinary Circumstances described. If any circumstance applies to the action or project, and existing NEPA documentation does not adequately address it, then further NEPA analysis is required.

IMPORTANT: Appropriate staff should review the circumstances listed in Part IV, comment and initial for concurrence. Rationale supporting the concurrence should be included in the appropriate block.

Part IV. – EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION**PREPARERS:****DATE:**

Steve Bird, Rangeland Specialist	3/26/2014
Bryan Lausten, Archaeologist	4/23/2014
Codey, Carter, Wildlife Biologist	3/26/2014
Victor Vizcaino, Recreation Specialist	4/4/2014
Hillary Conner, Lands & Realty Specialist	3/26/2014


PLANNING & ENVIRONMENTAL SPECIALIST5/5/14
DATE

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(l)) apply. The project would:

(a) Have significant impacts on public health or safety.

Yes	No	Rationale:
	X	

Preparer's Initials 

(b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.

Yes

No

Rationale:

X

Preparer's Initials

(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].

Yes

No

Rationale:

X

Preparer's Initials

(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Yes

No

Rationale:

X

Preparer's Initials

(e) Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.

Yes

No

Rationale:

X

Preparer's Initials

(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

Yes

No

Rationale:

X

Preparer's Initials

(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.

Yes

No

Rationale:

X

Preparer's Initials

(h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.

Yes

No

Rationale:

X

Preparer's Initials

(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.

Yes

No

Rationale:

X

Preparer's Initials

(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Yes

No

Rationale:

X

Preparer's Initials

(k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

Yes

No

Rationale:

X

Preparer's Initials

(l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

Yes	No	Rationale:
	X	
		Preparer's Initials <i>[Signature]</i>

PART V. -COMPLIANCE REVIEW CONCLUSION

I have reviewed this plan conformance and NEPA compliance record, and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required.

MITIGATION MEASURES/OTHER REMARKS: Based on a review of the project described above and field office staff recommendations, I have determined the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. I concur with the proposed action provided the decision document includes the recommended mitigation measures/stipulations outlined in Attachment 2 (BLM Mitigation Measures/Other Remarks for AZA-13912).

APPROVING OFFICIAL: *D. Reingruber* DATE: *5/8/2014*
TITLE: *Field Manager*

Note: The signed conclusion on this compliance record is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. A separate decision to implement the action should be prepared in accordance with program specific guidance.

ATTACHMENT 1

Lands Affected by Qwest Application to Amend and Renew AZA-13912

RENEWAL PORTION:

G&SR Meridian, Yavapai County, Arizona,

T. 7 N., R. 2 E.,

Section 5: SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 5: Lots 2;

Section 8: W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;

Section 8: Lots 3, 4;

Section 17: NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;

Section 32: W $\frac{1}{2}$ W $\frac{1}{2}$;

T. 8 N., R. 2 E.,

Section 4: W $\frac{1}{2}$ SW $\frac{1}{4}$;

Section 4: Lots 4;

Section 8: NE $\frac{1}{4}$, SW $\frac{1}{4}$;

Section 9: NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;

Section 17: W $\frac{1}{2}$ NW $\frac{1}{4}$;

Section 20: W $\frac{1}{2}$;

Section 29: SE $\frac{1}{4}$;

Section 32: E $\frac{1}{2}$.

AMENDMENT PORTION:

G&SR Meridian, Yavapai County, Arizona,

T. 7 N., R. 2 E.,

Section 5: Lots 2, 3, 4;

T. 8 N., R. 2 E.,

Section 32: S $\frac{1}{2}$ SW $\frac{1}{4}$.

ATTACHMENT 2

BLM Mitigation Measures / Other Remarks for AZA-13912

Steve Bird, Range Specialist:

- No Impact (NI) for Invasive Species/Noxious Weeds; Livestock Grazing; Rangeland Health; and Wild Horses and Burros

"Existing line." 3/26/2014

- No Impact (NI) for Soils

"In place." 3/26/2014

- Not Present (NP) for Water Resources; and Wetlands/Riparian

"No Water." 3/26/2014

"Not within Lake Pleasant HMA, Black Canyon Allotment, Boulder Creek Allotment & Tee Allotment – no grazing / range issues." 3/26/2014

Bryan Lausten, Archaeologist:

- No Impact (NI) for Cultural Resources.

"Existing ROW no ground disturbance." 4/23/2014

Codey Carter, Wildlife Biologist:

- No Impact (NI) for T&E/Candidate Species (Tortoise) as well as Fish/Wildlife/Migratory Birds.

"Existing powerline." 3/26/2014

Victor Vizcaino, Recreation Specialist:

- No Impact (NI) for Recreation.

"No conflict, already existing." 4/4/2014

Hillary Conner, Lands & Realty Specialist:

- No Impact (NI) for Lands/Access.

"This is an existing line. The action does not interfere with prior existing uses." 3/26/2014